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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,777	08/23/2000	Roger P. Jackson	10 , 033	1641

7590  
John C McMahon  
P O Box 30069  
Kansas City, MO 64112

EXAMINER
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PATEL, YOGESH P

ART UNIT	PAPER NUMBER
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3732

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07/17/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* Roger Jackson

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Application No. 09/644,777  
Technology Center 3700

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Mailed: July 16, 2009

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Before Deborah L. Perry, *Supervisory Paralegal Specialist, Review Team.*  
PERRY, *Supervisory Paralegal Specialist, Review Team.*

**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

This application was electronically received by the Board of Patent Appeals and Interferences on July 13, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

## EXAMINER'S ANSWER

### Appendix Headings

A review of the file indicates that the Examiner's Answer filed April 15, 2009, does not comply with the guidelines provided in MPEP § 1207.02 because it does not contain all of the required heading items. Specifically, the Examiner's Answer is missing the "*Related Proceedings Appendix.*"

### Grounds Of Rejection

A review of the file finds that the grounds of rejection of the claims as provided in the Examiner's Answer mailed April 15, 2009, under the heading "Grounds of rejection" is not consistent with the grounds of rejection of claims set forth in the last Office action of record.

Specifically, in the Examiner's Answer (pg. 3), the 102(e) rejection which includes "...claims... 10-26..." as being rejected under 35 U.S.C. 102(e); is not consistent with the last Office action (Non-Final Rejection mailed December 26, 2007), which identifies the claims being rejected under 102(e) as "...claims ...12-26..." (see pg.2).

Clarification for the record is required.

## CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) vacate the Examiner's Answer mailed April 15, 2009;
- 2) issue a Substitute Examiner's Answer to include the appendix heading, "Related Proceedings Appendix" and to clarify the Grounds of Rejection under 102(e) pg. 3;
- 4) if appropriate, to include the approval of the TC Director or his/her designee (as required for any new grounds of rejection); and
- 5) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DLP/jsd

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